

EXHIBIT H

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Electronically filed: _____, 2020

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[Proposed] Special Litigation Counsel to
 Kavita Gupta, Chapter 11 Trustee

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
DESERT OASIS APARTMENTS, LLC,
 Debtor.

Case No.: bk-s-18-12456-gs
 Chapter 11
 [No Hearing Set]

**TRUSTEE’S MOTION FOR MONETARY SANCTIONS
 AGAINST JEFFREY GOLDEN, CHAPTER 11 TRUSTEE OF
 DESERT LAND, LLC, PURSUANT TO BANKRUPTCY RULE 9011**

Kavita Gupta, the chapter 11 trustee (“Trustee”) for Desert Oasis Apartments LLC hereby moves (the “Motion”) for an order imposing monetary sanctions against Jeffrey I. Golden, chapter 11 trustee (“Trustee Golden”) appointed in the case of Desert Land LLC, based on misrepresentations submitted to the Court in connection with the filing of a proof of claim (“Proof of Claim”) for “at least \$78,000,0000.”

The Trustee brings this Motion pursuant to Federal Rule of Bankruptcy Procedure 9011 and section 105(a) of the Bankruptcy Code on the grounds that representations in the Proof of Claim lack evidentiary support and are contradicted by available information, are not warranted by existing law or a good faith argument for an extension of the law, and the Proof of Claim appears to have been

1 filed for the improper purpose of extracting a quick settlement. The Motion is based on the
2 accompanying Memorandum of Points and Authorities, the Declaration of Gail Greenwood and
3 exhibits thereto, and any other pleadings and evidence before the Court at the hearing.

4 If Trustee Golden refuses to withdraw the Claim within 21 days of service of the Motion, the
5 Trustee will file the Motion with the Court, set it for hearing, and request that the Court impose
6 sanctions against Trustee Golden for the attorneys' fees incurred to bring this Motion, as well as the
7 attorneys' fees incurred to object to the Claim, among other sanctions.

8 **WHEREFORE**, the Trustee requests the Court impose appropriate sanctions against Trustee
9 Golden in such form and amount as the Court deems appropriate.

10
11 Dated: November 25, 2020

PACHULSKI STANG ZIEHL & JONES LLP

12 /s/ John D. Fiero

13 John D. Fiero
14 Gail S. Greenwood
15 150 California Street, 15th Floor
16 San Francisco, CA 94111-4500

17 and

18 GHANDI DEETER BLACKHAM
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21 Las Vegas, Nevada 89101

22 [Proposed] Special Litigation Counsel to
23 Kavita Gupta, Chapter 11 Trustee
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CERTIFICATE OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

150 California Street, 15th Floor, San Francisco, CA 94111

A true and correct copy of the foregoing document entitled (*specify*):

- **TRUSTEE'S MOTION FOR MONETARY SANCTIONS AGAINST JEFFREY GOLDEN, CHAPTER 11 TRUSTEE OF DESERT LAND, LLC, PURSUANT TO BANKRUPTCY RULE 9011**
- **MEMORANDUM OF POINTS AND AUTHORITIES**
- **DECLARATION OF GAIL GREENWOOD**

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On **November 25, 2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Steven Gubner Brutzkus Gubner 21650 Oxnard Street, Suite 500 Woodland Hills, CA 91367	Jeffrey I. Golden Weiland Golden Goodrich LLP 650 Town Center Dr., Suite 600 Costa Mesa, CA 92626
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☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **November 25, 2020**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 25, 2020 Hung Phan

Date

Printed Name

/s/ Hung Phan

Signature